

REMARKS/ARGUMENTS

Claims 1-23 are pending in the application. By way of this response, claim 7 has been amended and claims 13-16 have been withdrawn from consideration at this time as being directed to non-elected species.

In response to the Examiner's request of restriction among one of the alleged patentably distinct species specified in Groups I-VIII, provisional election is made to prosecute the species of Group I (the sports equipment handle/lacrosse stick shown in Figures 1-3 and 15 of the application. Applicant notes that, although not addressed in the Office Action, applicant has grouped the sports equipment handle/lacrosse stick shown in Figures 1 and 15 within Group I because Figure 2 is a vertical cross-sectional view taken along the plane 2-2 in Figure 1 and further because Figure 15 incorporates, among other features, the features of the sports equipment handle/lacrosse stick shown in Figures 2 and 3.

Claims 1-12 and 17-23 read on the species of Group I while Claims 1, 10, and 19 comprise generic claims. Applicants thus hereby affirm the election of Group I but traverse the restriction requirement. It is further respectfully requested that the remaining claims (claims 13-16) be withdrawn from prosecution pending either: 1) the allowance of a generic claim(s) at which time Applicants will be entitled to consideration of claims to additional species which are written in independent form or otherwise include all of the limitations of an allowed generic claim; and/or 2) the filing of divisional applications directed to the non-elected species.

M.P.E.P. Section 808 provides that every requirement to restrict has two aspects, (1) the reasons (as distinguished from the mere statement of conclusion) why the inventions as claimed are either independent or distinct, and (2) the reasons for insisting upon restriction. The

Office Action provides neither the reasons why the allegedly distinct inventions in Groups I-VIII are either independent or distinct nor any of the reasons for insisting upon restriction.

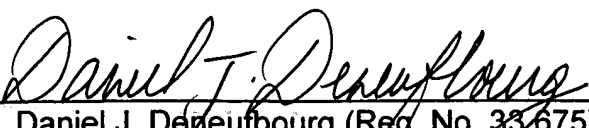
Particularly, and as provided in M.P.E.P. Section 816, the separate inventions should have been identified not only by a short description of the invention covered by each group but also by a grouping of the claims readable on each of the groups, an indication of the type of relationship between each of the groups as by stating that respective groups are drawn to a subcombination, product, etc., and further an indication of the classification or separate status of each group, as for example by class and subclass or field of search.

Thus, Applicants request that such reasons be provided so that Applicants may respond and traverse accordingly. In advance of the provision of such reasons, Applicants note that the classification is the same for all of the groups (i.e., Class 473) and that the field of search will likely be the same since all of the groups relate to the same subject matter (lacrosse stick shafts with covers or ribs). There is also no indication of separate future classification and field of search and thus Applicants contend that no reasons exist for dividing the groups and requiring restriction.

Since Applicants have elected an invention for prosecution and have fully and completely responded to the restriction requirement, the application is now in order for an early action at least on the merits of the elected Group I (Claims 1-12 and 17-23).

Respectfully submitted,

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By 
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